

Exhibit B

Incident Report

M.T.A. POLICE DEPARTMENT

06-12112

Supplement No
ORIG

345 MADISON AVENUE

Reported Date
09/13/2006

9TH FLOOR

Nature of Call
ASSALT

Officer

MCDADE, DANIEL F

(212) 878-1000

Administrative Information

Agency M.T.A. POLICE DEPARTMENT		Case No 06-12112	Supplement No ORIG	Reported Date 09/13/2006	Reported Time 01:11	CAD Call No 062560009
Status ARREST MADE	Nature of Call ASSAULT	Location 30 PENN STATION				
City MANHATTAN	Rep Dist MPST02	County MANHATTAN	Beat NA	From Date 09/13/2006	From Time 00:20	To Date 09/13/2006 To Time 00:28
Officer M86596/MCDADE, DANIEL F			Assignment DISTRICT 4 B TOUR		2nd Officer ARONSON, ROBERT A	
Assignment DISTRICT 4 B TOUR		Entered by D86418	Assignment PATROL SERGEANT		RMS Transfer Successful	Property? None Transit ID NONE
Org Nature of Call 1013	CTV County of New York	Approving Officer D86418			Approval Date 09/15/2006	
Approval Time 03:39:54						
COPY TO IAB (RECORD USE ONLY) Yes		NYSPIN CK MADE-NO HIT Yes		OC DISCHGE-COPY TO TRN Yes		
# Offenses 1	Offense NY PL 120.10	CF1	Description ASSAULT-1ST		Complaint Type C	AC Use Bias Loc 0 77 06
#Pr 1	MOE 88	Act 13A	Weapon/Force 13A	IBRS 1	No 1	
# Offenses 2	Offense NY PL 120.08	CF0	Description ASLT: POLICE OFF/FIRE		Complaint Type C	AC Use Bias Loc 0 77 06
#Pr 2	MOE 88	Act 13A	Weapon/Force 13A	IBRS 2	No 2	
# Offenses 3	Offense NY PL 120.05 03	DF2	Description ASLT W/INT CAUS PH I		Complaint Type C	AC Use Bias Loc 0 77 06
#Pr 3	MOE 88	Act 13A	Weapon/Force 13A	IBRS 3	No 3	
# Offenses 4	Offense NY PL 205.30	AM0	Description RESISTING ARREST		Complaint Type C	AC Use Bias Loc 0 77 06
#Pr 4	MOE 90Z	Act 90Z	Weapon/Force 90Z	IBRS 4	No 4	
# Offenses 5	Offense NY PL 240.20 01	OV0	Description DIS/CON: FIGHT/VIOLEN		Complaint Type C	AC Use Bias Loc 0 77 06
#Pr 5	MOE 90C	Act 90C	Weapon/Force 90C	IBRS 5	No 5	
# Offenses 6	Offense NY PL 240.20 02	OV0	Description DIS/CON: UNREASONABLE		Complaint Type C	AC Use Bias Loc 0 77 06
#Pr 6	MOE 90C	Act 90C	Weapon/Force 90C	IBRS 6	No 6	
# Offenses 7	Offense NY PL 240.20 03	OV0	Description DIS/CON: OBSCENE LANG		Complaint Type C	AC Use Bias Loc 0 77 06
#Pr 7	MOE 90C	Act 90C	Weapon/Force 90C	IBRS 7	No 7	

Person Summary

Invl	Invl No	Type	Name	MNI	Race	Sex	DOB
*EM	1	I	WALLACE	343111	W	M	
*EM	2	I	RAMOS	343113	U	M	
*PD	1	L	SGT GLAUDINO		U	M	
*PD	2	L	PO PEREZ		U	M	

Report Officer M86596/MCDADE, DANIEL F	Printed At 01/24/2007 08:29	Page 1 of 13
Supervisor Signature		

Incident Report

M.T.A. POLICE DEPARTMENT

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Supplement No
ORIG

Person Summary

Invl	Invl No	Type	Name	MNI	Race	Sex	DOB
*PD	3	L	PO WENDLER		W	M	
AID	1	L	PO MCDADE		W	M	
ARO	1	L	PO ARONSON		W	M	
ARR	1	I	BAIN, STEPHEN O	343110	W	M	07/11/1977
ASO	1	L	PO INTERDONATI		W	M	
ASO	2	L	PO TULLY		W	M	
ASO	3	L	PPO SMITH	343112	W	M	
ASO	4	L	PO PREGO		W	M	
PSV	1	L	SGT DITTRICH		W	M	
PSV	2	L	SGT SMITH		W	M	
PSV	3	L	LT NUTTER		W	M	
VIC	1	S	PSNY	343114			

Vehicle Summary

Invl	Type	License No	State	Lic Year	Year	Make	Model	Style	Color
AMB	0	08C	NY	2006		*AMB		AM	

Summary Narrative

Arrest of one male for assaulting a police officer resulting in physical injury at Penn Station. Member of service received injuries to left leg and head. Injured prisoner received lacerations to face and OC spray exposure. Injured member of service and injured prisoner removed to hospital for treatment.

Incident Report

M.T.A. POLICE DEPARTMENT

06-12112

Supplement No
ORIG**EMS PERSONNEL - GENERAL 1: WALLACE**

Involvement	Seq	Type	Name
EMS PERSONNEL - GENERAL	1	INDIVIDUAL	WALLACE
MNI	Race	Sex	
343111	WHITE	MALE	
Type	ID No		
EMS/FIRE ID NUMBER (SHIELD-ETC)	6943		
Employer/School	Position/Grade		
EMS	EMT		

EMS PERSONNEL - GENERAL 2: RAMOS

Involvement	Seq	Type	Name
EMS PERSONNEL - GENERAL	2	INDIVIDUAL	RAMOS
MNI	Race	Sex	
343113	UNKNOWN	MALE	

LAW ENFORCEMENT-GENERAL 1: SGT GLAUDINO

Involvement	Seq	Type	Name
LAW ENFORCEMENT-GENERAL	1	LAW ENFORCEMENT OFFICER IN LINE OF DUTY	
Name	Race	Sex	
SGT GLAUDINO	UNKNOWN	MALE	
Type	ID No		
PD SHIELD	744		
Employer/School	Position/Grade		
NEW YORK CITY POLICE DEPT	ESU SGT		
Location			
TRUCK # 1			

LAW ENFORCEMENT-GENERAL 2: PO PEREZ

Involvement	Seq	Type	Name
LAW ENFORCEMENT-GENERAL	2	LAW ENFORCEMENT OFFICER IN LINE OF DUTY	
Name	Race	Sex	
PO PEREZ	UNKNOWN	MALE	
Type	ID No		
PD SHIELD	2060		
Employer/School	Position/Grade		
NEW YORK CITY POLICE DEPT	ESU PO		
Location			
TRUCK # 1			

LAW ENFORCEMENT-GENERAL 3: PO WENDLER

Involvement	Seq	Type	Name
LAW ENFORCEMENT-GENERAL	3	LAW ENFORCEMENT OFFICER IN LINE OF DUTY	
Name	Race	Sex	
PO WENDLER	WHITE	MALE	
Type	ID No		
PD SHIELD	2802		
Employer/School	Position/Grade		
NEW YORK CITY POLICE DEPT	ESU PO		
Location			
TRUCK # 1			

AIDED 1: PO MCDADE

Involvement	Seq	Type	Name
AIDED	1	LAW ENFORCEMENT OFFICER IN LINE OF DUTY	
Name	Race	Sex	
PO MCDADE	WHITE	MALE	
Type	ID No		
PD SHIELD	2020		
Employer/School	Position/Grade		
MTA POLICE DEPT	OFFICER		
Location	City	State	Phone Type
PENN STA	MANHATTAN	NEW YORK	BUSINESS
Phone No			
(212) 643-5075			

Incident Report

M.T.A. POLICE DEPARTMENT

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Supplement No
ORIG**Medical**

Injury Place 30 PENN STATION	Injury Date 09/13/2006	Injury Time 00:20:00	Injured At Work? Yes
Location/Type of Injury SEVERE PAIN/SWELLING TO LEFT LEG/ANKLE - SWELLING TO FOREHEAD			
How Injured RCVD DURING ARREST PROCESS IN WHICH PERP DID ASSAULT OFFICER/PUSH DOWN STAIRS			

ARRESTING OFFICER 1: PO ARONSON

Involvement ARRESTING OFFICER	Seq 1	Type LAW ENFORCEMENT OFFICER IN LINE OF DUTY
Name PO ARONSON	Race WHITE	Sex MALE
Type PD SHIELD	ID No 2300	
Employer/School MTA POLICE DEPT	Position/Grade OFFICER	
Location PENN STA	City MANHATTAN	State NEW YORK
Phone No (212) 643-5075		Phone Type BUSINESS

ARRESTED PERSON 1: BAIN,STEPHEN O

Involvement ARRESTED PERSON	Seq 1	Type INDIVIDUAL	Name BAIN,STEPHEN O	MNI 343110
Race WHITE	Sex MALE	DOB 07/11/1977	Age 29	Ethnicity NON HISPANIC
Juvenile? No	Height 5'09"	Weight 175#	To Weight 200#	
Hair Color BLONDE/STRAWBERRY	Eye Color HAZEL	Skin FAIR	Means of Attack HANDS/FIST/FEET/ETC.	
Extent of Injury APPEARED TO BE SERIOUSLY INJURED		Dom Violence No	Gen Appearance CASUAL/CLEAN	Build MUSCULAR
Hair Description MESSY/UNKEPT/STRAIGHT		Speech LOUD	Demeanor ANGRY/IRRATIONAL	
Body Clothing SHIRT/PANTS		Arr Res Status RESIDENT	OFN_INVL 1	
Offender Cond APPEARS TO BE IMPAIRED WITH ALCOHOL				
Type HOME ADDRESS	Address 119 KELVIN AVE		City STATEN ISLAND	
State NEW YORK	ZIP Code 10306			
Type OPERATOR LICENSE/STATE ID CARD	ID No 323357316	OLS NEW YORK		
Description of Shirt RED SHIRT	Description of Pants BLUE DENIM JEANS			
Involvement SUMMARY ARREST	Arrest Type CRIME IN PROGRESS	Arrest Date 09/13/2006	Arrest Time 00:25:00	Booking No 06-9073
Arrest Location 30 PENN STATION	City MANHATTAN	Fingerprint Taken? Yes	Mug? Yes	
Armed NOT REPORTED				
Charge NY PL 120.10	CF1	Charge Literal ASSAULT-1ST	A/C C	
Charge NY PL 120.08	CF0	Charge Literal ASLT:POLICE OFF/FIRE	A/C C	
Charge NY PL 120.05	03 DF2	Charge Literal ASLT W/INT CAUS PH I	A/C C	
Charge NY PL 205.30	AM0	Charge Literal RESISTING ARREST	A/C C	
Charge NY PL 240.20	01 OV0	Charge Literal DIS/CON:FIGHT/VIOLEN	A/C C	
Charge NY PL 240.20	02 OV0	Charge Literal DIS/CON:UNREASONABLE	A/C C	

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ORIG

Medical							
Injury Place 30 PENN STATION				Injury Date 09/13/2006		Injury Time 00:20:00	
Injured At Work? No							
Location/Type of Injury LACERATIONS TO FACE / O.C. SPRAY EXPOSURE TO FACE							
How Injured RCVD WHILE RESISTING ARREST - SUBJECT SPRAY WITH 10% OC SPRAY & FELL DOWN STAIRS							
ASSISTING OFFICER 1: PO INTERDONATI							
Involvement ASSISTING OFFICER		Seq 1		Type LAW ENFORCEMENT OFFICER IN LINE OF DUTY			
Name PO INTERDONATI				Race WHITE		Sex MALE	
Type PD SHIELD		ID No 2481					
Employer/School MTA POLICE DEPT				Position/Grade OFFICER			
Location PENN STA				City MANHATTAN		State NEW YORK	
Phone No (212) 643-5075							
ASSISTING OFFICER 2: PO TULLY							
Involvement ASSISTING OFFICER		Seq 2		Type LAW ENFORCEMENT OFFICER IN LINE OF DUTY			
Name PO TULLY				Race WHITE		Sex MALE	
Type PD SHIELD		ID No 2090					
Employer/School MTA POLICE DEPT				Position/Grade OFFICER			
Location PENN STA				City MANHATTAN		State NEW YORK	
Phone No (212) 643-5075							
ASSISTING OFFICER 3: PPO SMITH							
Involvement ASSISTING OFFICER		Seq 3		Type LAW ENFORCEMENT OFFICER IN LINE OF DUTY			
Name PPO SMITH				MNI 343112		Race WHITE	
						Sex MALE	
Type PD SHIELD		ID No 2565					
Employer/School MTA POLICE DEPT				Position/Grade OFFICER			
Location PENN STA				City MANHATTAN		State NEW YORK	
Phone No (212) 643-5075							
ASSISTING OFFICER 4: PO PREGO							
Involvement ASSISTING OFFICER		Seq 4		Type LAW ENFORCEMENT OFFICER IN LINE OF DUTY			
Name PO PREGO				Race WHITE		Sex MALE	
Type PD SHIELD		ID No 2280					
Employer/School MTA POLICE DEPT				Position/Grade OFFICER			
Location PENN STA				City MANHATTAN		State NEW YORK	
Phone No (212) 643-5075							

Incident Report

M.T.A. POLICE DEPARTMENT

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Supplement No
ORIG**PATROL SUPERVISOR 1: SGT DITTRICH**

Involvement	Seq	Type			
PATROL SUPERVISOR	1	LAW ENFORCEMENT OFFICER IN LINE OF DUTY			
Name	SGT DITTRICH		Race	WHITE	Sex
Type	PD SHIELD		ID No	393	
Employer/School	MTA POLICE DEPT		Position/Grade	SERGEANT	
Location	PENN STA		City	MANHATTAN	State
Phone No	(212) 643-5075		State	NEW YORK	Phone Type
BUSINESS					

PATROL SUPERVISOR 2: SGT SMITH

Involvement	Seq	Type			
PATROL SUPERVISOR	2	LAW ENFORCEMENT OFFICER IN LINE OF DUTY			
Name	SGT SMITH		Race	WHITE	Sex
Type	PD SHIELD		ID No	303	
Employer/School	MTA POLICE DEPT		Position/Grade	SERGEANT	
Location	PENN STA		City	MANHATTAN	State
Phone No	(212) 643-5075		State	NEW YORK	Phone Type
BUSINESS					

PATROL SUPERVISOR 3: LT NUTTER

Involvement	Seq	Type			
PATROL SUPERVISOR	3	LAW ENFORCEMENT OFFICER IN LINE OF DUTY			
Name	LT NUTTER		Race	WHITE	Sex
Type	PD SHIELD		ID No	12	
Employer/School	MTA POLICE DEPT		Position/Grade	LIEUTENANT	
Location	PENN STA		City	MANHATTAN	State
Phone No	(212) 643-5075		State	NEW YORK	Phone Type
BUSINESS					

VICTIM/COMPLAINANT 1: PSNY

Involvement	Seq	Type	Name
VICTIM/COMPLAINANT	1	SOCIETY/PUBLIC/PSNY	PSNY
MNI	343114		

IBRS Info

Victim Seq	Offense Codes
1	1/2/3/4/5/6/7

Vehicle: 08C

Involvement	Type	License No	State	Lic Year	Lic Type
AMBULANCE - GENERAL	AMBULANCE	08C	NEW YORK	2006	AMBULANCE
Make	Style				
AMBULANCE - GENERAL	AMBULANCE				

Modus Operandi

Gang Act?	Weapon Used	Premise Type	Victim's Race	Victim's Sex
No	PHYSICAL-HANDS-FEET-FISTS	LIRR PROP-OPEN TO PUBLIC	WHITE	MALE
Victim's Age	Vulnerability	Victim's Action		
17 - 25 YEARS IF AGE	POLICE OFFICER	ON STAIRS		
Suspect Action				
SPIT AT VICTIM OR WITNESS/STRUCK VICTIM/MADE THREATS				
Crime Code(s)				
ASSAULT				

Report Officer	Printed At	Page
M86596/MCDADE, DANIEL F	01/24/2007 08:29	6 of 13
Supervisor Signature		

Incident Report

M.T.A. POLICE DEPARTMENT

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Supplement No
ORIG

Narrative

On 9/13/06 at approximately 0020 hours, PO McDade and PO Aronson did observe a male subject, later identified as Stephen Bain, shouting profanities in the 8th Avenue Concourse of Penn Station. Officers further observed the male subject aggressively approach a male subject not known to him and attempt to physically assault him. Officers initially approached the subject and advised him to depart the area. The subject was not compliant with the officer's request to depart the area. Upon approaching the subject again, the subject was advised that he was under arrest at which time he fled on foot away from the officers in the vicinity of track # 17. PO McDade and PO Aronson attempted to place the subject under arrest at which time the subject did resist by flailing his arms and body and intentionally shoving the officer. PO McDade and the subject fell down the stair case of track # 17 descending to the first landing of the stair case where the subject continued to physically resist and assault the officer with a closed fist. A physical struggle continued on the first stair case landing causing both PO McDade and the subject to fall down the second portion of the stair case onto the platform of track # 17. PO McDade utilized his department issued OC spray on the subject as the subject was failing to comply with verbal commands and was continuing to physically resist. PO McDade transmitted an emergency request for assistance ("10-85") over his department radio. Upon arrival of assisting officers, the subject was physically subdued and successfully handcuffed.

PO McDade suffered injuries to his left ankle, left leg, and to his forehead. PO McDade complained of severe pain and immediate swelling was evident to his left ankle, left leg (below knee/shin), and forehead. PO McDade was unable to stand up on his own and unable to move his left leg. EMS was requested and responded to the platform of track # 17 to render aid to the injured member of service. PO McDade was removed to Bellevue Hospital by ambulance for further care and evaluation. Sgt. Richard Smith accompanied PO McDade in the ambulance to Bellevue Hospital.

The prisoner, Stephen Bain, was removed to District # 4 for processing. Upon placement into the District # 4 cell area, prisoner began to spit and flail his body striking himself on the floor, bench, and walls. Prisoner was handcuffed to the bench and ankle cuffs were placed to prevent further kicking. EMS was on scene in District # 4 at 0039 hours. NYPD Emergency Services Unit was requested for the violent prisoner whom was acting emotionally disturbed and/or under the influence of drugs and/or alcohol. NYPD Emergency Services Unit Truck # 1 responded to District # 4 at 0055 hours and flushed the prisoner's eyes with water for the OC spray exposure. They further subdued the prisoner with a restraining device. Prisoner was placed on a stretcher and removed to Bellevue Hospital by ambulance (ambulance # 08C, EMT # 6943) for further care and observation. PO Tully and PO Interdonati escorted the prisoner with EMS to Bellevue Hospital.

A telephone notification was made to Lieutenant Kevin Hoban of the MTAPD Internal Affairs Bureau. MTAPD Communications placed a telephone page notification to Inspector Kevin King, Commanding Officer of District # 4.

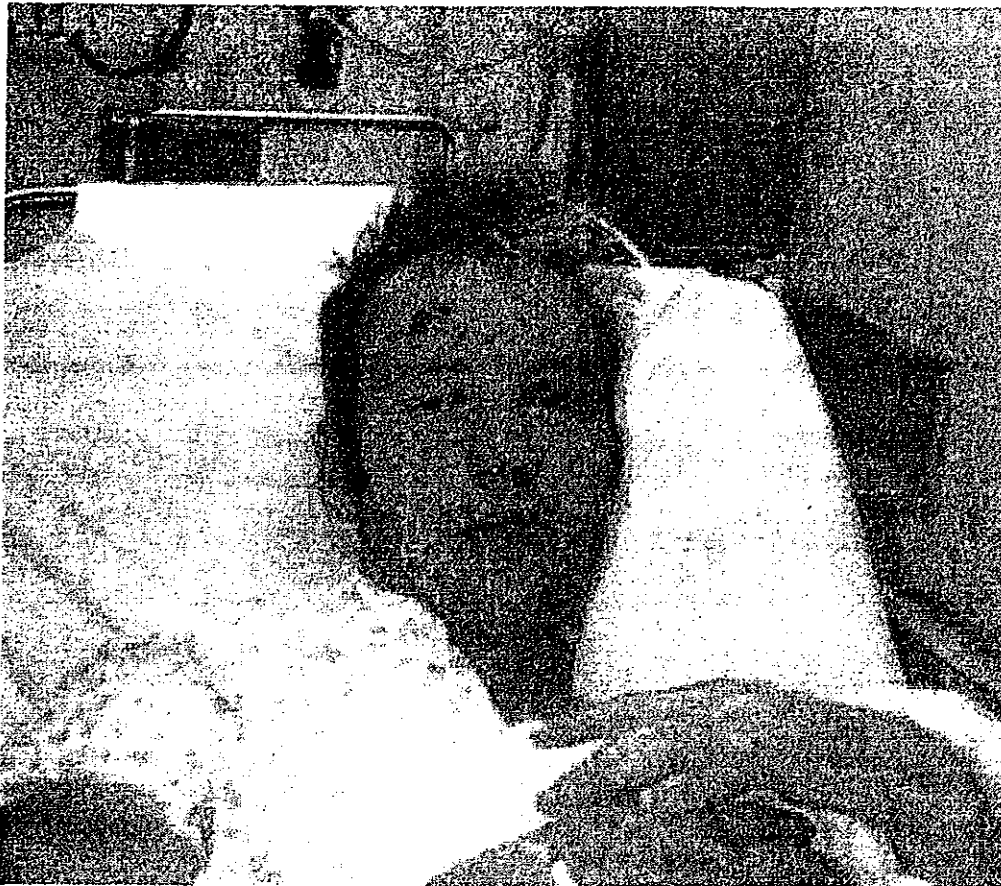
A Worker's Compensation package was completed for the injured member of service, PO McDade. A custodial injury package was completed for the injured prisoner.

MTAPD Arrest # 9073

NYPD Arrest # M06002101P, NYPD Fax # M0058956

Incident Report
M.T.A. POLICE DEPARTMENT**06-12112**Supplement No
ORIG**Images**

Date	Time	Officer	Type	Description
09/15/2006	03:32:59	D86418		FACE PHOTO OF PRISONER'S INJURIES



Incident Report
M.T.A. POLICE DEPARTMENT**06-12112**Supplement No
ORIG**Images**

Date	Time	Officer	Type	Description
09/15/2006	03:33:36	D86418		CLOSEUP FACE PHOTO OF PRISONER'S INJURY



Incident Report
M.T.A. POLICE DEPARTMENT

06-12112

Supplement No
ORIG

Images

Date	Time	Officer	Type	Description
09/15/2006	03:34:12	D86418		PRISONER'S FRONT FACE PHOTO IN RMP



Incident Report
M.T.A. POLICE DEPARTMENT**06-12112**Supplement No
ORIG**Images**

Date	Time	Officer	Type	Description
09/15/2006	03:35:56	D86418		PRISONER'S LEFT FACE PROFILE



Incident Report
M.T.A. POLICE DEPARTMENT**06-12112**Supplement No
ORIG**Images**

Date	Time	Officer	Type	Description
09/15/2006	03:36:52	D86418		PRISONER'S RIGHT FACE PROFILE



Incident Report
M.T.A. POLICE DEPARTMENT**06-12112**Supplement No
ORIG**Images**

Date	Time	Officer	Type	Description
09/15/2006	03:37:47	D86418		PRISONER'S FRONT FACE PHOTO



Incident Report

M.T.A. POLICE DEPARTMENT

345 MADISON AVENUE

9TH FLOOR

(212) 878-1000

Reported Date
09/13/2006
Nature of Call
ASSAULT
Officer
GUIDO, DANIEL

06-12112

Supplement No
0001

Administrative Information

Agency M.T.A. POLICE DEPARTMENT		Case No 06-12112	Supplement No 0001	Reported Date 09/13/2006	Reported Time 13:40	CAD Call No 062560009
Status ARREST MADE	Nature of Call ASSAULT	Location 30 PENN STATION				
City MANHATTAN	Rep Dist MPST02	County MANHATTAN	Beat NA	From Date 09/13/2006	From Time 00:20	To Date 09/13/2006 To Time 00:28
Officer G86509/GUIDO, DANIEL				Assignment PATROL OFFICER		2nd Officer ARONSON, ROBERT A
Assignment PATROL OFFICER		Entered by G86509	Assignment PATROL OFFICER			
RMS Transfer Supplement transfer from browser has failed				Prop Trans Stat Pending	Transit ID NONE	Org Nature of Call 1013
CTV County of New York		Approving Officer R86170	Approval Date 09/17/2006		Approval Time 13:01:36	

Summary Narrative

Defendants property vouchered/defendant lodged in MCB.

Item	Involvement	In Custody?	Tag No	Item No	Serial No	Typ	Cat	Article
1	SAFEKEEPING	Yes	E4115	1	SJUG1726FJ	A	CELLPHONE	PHONE
Description Gray Motorola cell phone								
Brand MOTOLA		Model RAZOR		NYSIBR Type OTHER PROPERTY		# Pieces 1		
2	SAFEKEEPING	Yes	E4115	4		A	PERSONAL PAPERS	
Description Borgota Hotel Card								
Article CARD		Brand HOTEL		NYSIBR Type PERSONAL PAPERS		# Pieces 1		
3	SAFEKEEPING	Yes	E4115	5		A	PERSONAL PAPERS	
Description Best Buy Reward Card								
Article CARD		NYSIBR Type PERSONAL PAPERS		# Pieces 1				
4	SAFEKEEPING	Yes	E4115	6		A	PERSONAL PAPERS	
Description Business Card								
Article CARD		NYSIBR Type PERSONAL PAPERS		# Pieces 1				
5	SAFEKEEPING	Yes	E4115	2	4J544CGQTXL	A		
Description Black Apple Ipod 60 GB								
Cat RADIO, STEREO, CD/DVD PLAYER DEVICES ETC				Article IPOD		Brand APPLE		Model IPOD
NYSIBR Type STEREO EQUIPMENT/TV/RADIO				# Pieces 1				

Incident Report

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Supplement No
0001

Item 6	Involvement SAFEKEEPING	In Custody? Yes	Tag No E4155	Item No 3
Description White Head Phones				Typ A
Cat RADIO, STEREO, CD/DVD PLAYER DEVICES ETC			Article H/PHON	Brand APPLE
NYSIBR Type STEREO EQUIPMENT/TV/RADIO		# Pieces 1		
Modus Operandi				
Crime Code(s) ASSAULT				

Narrative

Defendant was released from Bellevue Hospital at 1059hrs. Defendant was concluded to be fit for confinement as per Dr. Johnston. Defendant lodged in MCB without further incident. Defendants personal property was vouchered for safekeeping.

Incident Report

M.T.A. POLICE DEPARTMENT

06-12112

Supplement No
0002

345 MADISON AVENUE

Reported Date
09/14/2006

9TH FLOOR

Nature of Call
ASSALT
Officer
GUIDO, DANIEL

(212) 878-1000

Administrative Information

Agency M.T.A. POLICE DEPARTMENT		Case No 06-12112	Supplement No 0002	Reported Date 09/14/2006	Reported Time 08:14	CAD Call No 062560009	
Status ARREST MADE	Nature of Call ASSAULT	Location 30 PENN STATION					
City MANHATTAN	Rep Dist MPST02	County MANHATTAN	Beat 4J	From Date 09/13/2006	From Time 00:20	To Date 09/13/2006	To Time 00:28
Officer G86509/GUIDO, DANIEL				Assignment DISTRICT 4 A TOUR		2nd Officer ARONSON, ROBERT A	
Assignment DISTRICT 4 B TOUR		Entered by G86509	Assignment DISTRICT 4 A TOUR		RMS Transfer Supplement Transfer Complete		
Property? None	Transit ID NONE	Org Nature of Call 1013	CTV County of New York		Approving Officer D86418		
Approval Date 09/15/2006		Approval Time 03:19:50					

Summary Narrative

Prisoner removed from Manhattan Central Booking and brought back to Bellevue Hospital for further care/evaluation.

Narrative

Unit advised by District #4 supervision at 1550 hours to respond to Manhattan Central Booking and remove prisoner to Bellevue Hospital. Dr. Johnston advised NYPD court personnel that they needed to administer further medical attention. Prisoner brought to Bellevue Hospital without incident.

Incident Report

M.T.A. POLICE DEPARTMENT

06-12112

Supplement No
0003

345 MADISON AVENUE

Reported Date
09/13/2006

9TH FLOOR

Nature of Call

ASSALT

Officer

RIKER, ERIC S

(212) 878-1000

Administrative Information

Agency M.T.A. POLICE DEPARTMENT		Case No 06-12112	Supplement No 0003	Reported Date 09/13/2006	Reported Time 16:40	CAD Call No 062560009
Status ARREST MADE	Nature of Call ASSAULT	Location 1 PENN STATION				
City MANHATTAN	Rep Dist MPST02	County MANHATTAN	Beat NA	From Date 09/13/2006	From Time 00:20	To Date 09/13/2006 To Time 00:28
Officer R86169/RIKER, ERIC S			Assignment PATROL LIEUTENANT		2nd Officer ARONSON, ROBERT A	
Assignment PATROL OFFICER		Entered by R86169	Assignment PATROL LIEUTENANT		RMS Transfer Supplement Transfer Complete	
Transit ID NONE	Org Nature of Call 1013	CTV County of New York	Approving Officer R86170		Approval Date 09/17/2006	
Approval Time 13:02:24						

Summary Narrative

Bedside arraignment conducted at Bellevue Hospital.

DISTRICT ATTORNEY 1: LAPORTE

Involvement DISTRICT ATTORNEY	Seq 1	Type GOVERNMENT	Name LAPORTE	MNI 288856
RMS Transfer Successful				
Employer/School NEW YORK CITY			Position/Grade JUDGE	

Modus Operandi

Crime Code(s)
ASSAULT

Narrative

On September 15, 2006 at 1430 hours a bedside arraignment was conducted for the Defendant, Stephan Bain, by Judge Laporte at Bellevue Hospital. The defendant was released on his own recognizance. Prisoner watch concluded.

Incident Report

M.T.A. POLICE DEPARTMENT

06-12112

Supplement No
0004

345 MADISON AVENUE

Reported Date
09/20/2006

9TH FLOOR

Nature of Call
ASSALT
Officer
DEPOLA, JAMES

(212) 878-1000

Administrative Information							
Agency M.T.A. POLICE DEPARTMENT		Case No 06-12112		Supplement No 0004		Reported Date 09/20/2006	
Status ARREST MADE		Nature of Call ASSAULT		Location 30 PENN STATION			
City MANHATTAN		Rep Dist MPST02	County MANHATTAN	Beat NA	From Date 09/13/2006	From Time 00:20	To Date 09/13/2006
Officer D86127/DEPOLA, JAMES		Assignment DETECTIVE DIVISION			2nd Officer ARONSON, ROBERT A		
Assignment PATROL OFFICER		Entered by D86127	Assignment DETECTIVE DIVISION		Confidential CONFIDENTIAL DETECTIVE REPORT		
RMS Transfer Supplement Transfer Complete			Transit ID NONE	Org Nature of Call 1013	CTV County of New York		
Approving Officer R86128		Approval Date 10/03/2006		Approval Time 09:07:21			
NYSPI CRIMINAL HISTORY CHECK MADE Yes		NYSPI - APPROPRIATE FILE MSG SENT Yes					

Summary Narrative

Assignment: Arrest Enhancement

Subject: Case Assignment

Case Status: Closed - Arrest Enhancement

Modus Operandi

Crime Code(s)
ASSAULT

Narrative

On Monday, September 18, 2006 I, Detective DePola was assigned to investigate MTA Incident #06-12112 under DD #06-00828.

The defendant was arrested on September 13, 2006 for assault, disorderly conduct and resisting arrest. An E-Justice Inquiry was conducted and revealed that the defendant has no prior arrest record. A copy of the E-Justice report is enclosed in this case folder. Also, a Tiburon check was also conducted and showed this defendant has had no prior contact with this command.

A file 13 has been sent regarding this arrest and a copy is enclosed in the case folder. No open cases within this command could be linked to this defendant and this case is closed as arrest enhancement.

Case Status: Closed - Arrest Enhancement (AE)

Report Officer D86127/DEPOLA, JAMES	Printed At 01/24/2007 08:29	Page 1 of 1
Supervisor Signature		

Memorandum



Metropolitan Transportation Authority

State of New York

Date September 13, 2006
To Sergeant L. Dittrich, District 4
From Police Officer R. Aronson, District 4
Re PRISONER INJURY, CASE #06-12112

At approximately 0020 hours this date PO McDade #2020 and I observed the defendant, later identified as Stephen Bain, standing in the vicinity of Starbucks Coffee on the Exit Concourse shouting obscenities at members of the public who were standing in the area waiting for trains.

The defendant did approach and come into close physical contact with one unknown male and seemed to alarm the male. The defendant was advised by PO McDade that he should leave the station. The defendant became belligerent and did not immediately comply with the order to leave. PO McDade and I then physically approached the defendant and again advised him to leave, at which time the defendant did turn and began walking south on the Exit Concourse towards the stairway leading to the Amtrak level. Throughout this time the defendant continued to shout obscenities and act belligerent. Just prior to reaching the stairway the defendant did turn and began to walk in the direction from which he had come. At that time PO McDade advised the defendant that he was under arrest and reached for the defendant's arm. The defendant then began to run towards the stairway leading to track 17.

PO McDade and I pursued the defendant and caught him at the top of the stairway. PO McDade did grab the defendant's right arm at which time the defendant did twist his body violently and caused both himself and PO McDade to fall down the stairway, ending their fall on the landing approximately half way down to the platform. At that time PO McDade and I attempted to handcuff the defendant but he continued to violently resist. PO McDade did place one handcuff on the defendant's right wrist and the defendant exhibited great strength and continued to resist, preventing both officers from placing the other handcuff on his left wrist. At that time PO McDade broadcast a radio message requesting additional units to respond. We continued to attempt to handcuff the defendant's other wrist and the defendant did continue to struggle and violently twist his body and struck PO McDade several times with a closed fist. During this further struggle the defendant and PO McDade did fall down the remaining stairs to the platform level while the defendant was on top of PO McDade.

The defendant continued to successfully resist having his left wrist handcuffed and PO McDade deployed his department issued OC spray in an attempt to gain compliance from the defendant. At this time backup officers arrived and the defendant was successfully handcuffed. It became apparent to me at that time that both PO McDade and the defendant had sustained injuries as the result of the fall down the stairs from the concourse level to the platform, PO McDade showing signs of significant pain to his leg and the defendant indicating visible blood on his face.

The defendant was then transported to District 4 for processing.

A handwritten signature in black ink, appearing to read 'Robert Aronson', with a stylized, cursive script.

Robert Aronson
Police Officer, shield #2300



Metropolitan Transportation Authority
POLICE DEPARTMENT
PRISONER INJURY FORM

2006-55



Case # 06-12112	Date of occurrence: 9 / 13 / 2006	Time of occurrence: 0020	District : 4	IAB Control Number (For IAB Use Only)
NOTIFICATIONS:				
District # 4 C.O. – Inspector Kevin King			IAB Lt. Hoban	
INJURY INFORMATION:				
Injury Classification: <input checked="" type="checkbox"/> Pre-Apprehension <input type="checkbox"/> During Apprehension <input type="checkbox"/> While in Custody				
Prisoner was: <input checked="" type="checkbox"/> Arrested <input type="checkbox"/> Summons issued				
Prisoner's Name (Last, First, Middle Initial) Bain, Stephen O.			Date of Birth 7 / 11 / 1977	<input type="checkbox"/> Male <input checked="" type="checkbox"/> Female <input checked="" type="checkbox"/> Adult <input type="checkbox"/> Juvenile
Street Address (City - State - Zip) 119 Kelvin Avenue, Staten Island, NY 10306			Phone None	Work Telephone: None
Nature of Injury Laceration to face and OC spray exposure.				Photographs Taken: <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No
How Injury Occurred (Be specific. Use reverse side if additional space is required) The defendant became involved in a physical altercation with another female due to having a dispute over a seat on train #1777. Subject did resist arrest and injury occurred during arrest process. Officer utilized department issued OC spray to the subject's face.				
TREATMENT INFORMATION:				
EMT NAME Wallace		EMT Number: 6943	Treatment provided: Cleansing of laceration / flushed prisoner's face with water for OC spray exposure.	
Bellevue Hospital		Treating Physician's Name	Diagnosis: Laceration to forehead / OC spray exposure.	
Witness' Name (Last, First)		Address	City	State Telephone #
MEMBERS INVOLVED:				
Member's Name (Last, First, Rank)	Employee No.	Shield No.	Member Injured	Force Used *
Aronson, Robert – Police Officer	86402	2300	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No
McDade, Daniel – Police Officer	86596	2020	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No
			<input type="checkbox"/> Yes <input type="checkbox"/> No	<input type="checkbox"/> Yes <input type="checkbox"/> No
	SIGNATURE		DATE	RECOMMENDATION
Supervisor	Sgt. White # 393		9 / 13 / 06	<input type="checkbox"/> Further Investigation
District/Unit Commanding Officer	[Signature]		9 / 13 / 06	<input type="checkbox"/> Further Investigation
Zone Inspector	[Signature]		9 / 25 / 06	<input type="checkbox"/> Further Investigation
IAB Commanding Officer	[Signature]		9 / 21 / 06	<input type="checkbox"/> Further Investigation
Deputy Chief of Operations	[Signature]		9 / 24 / 06	<input type="checkbox"/> Further Investigation

Memorandum



Metropolitan Transportation Authority

State of New York

Date: September 13, 2006

To: Kevin McConville, Chief of Department

From: Lee Dittrich, Sergeant – District # 4

Re: Custodial Injury (Incident # 06 - 12112)

Injured Prisoner:

Bain, Stephen O. – Male/White – 7/11/1977 – 119 Kelvin Avenue, Staten Island, NY 10306

Members Involved:

Police Officer Robert Aronson Shield # 2300, EIN # 86402, District # 4, Penn Station - Patrol.
Police Officer Daniel McDade Shield # 2020, EIN # 86596, District # 4, Penn Station - Patrol.

Incident:

Arrest of a male subject failing to comply with verbal and physical commands. Prisoner was physically resisting by flailing his arms and body prior to and after being handcuffed. Prisoner physically assaulted PO McDade resulting in physical injury consisting of severe pain and swelling to the officer's left ankle, left leg, and to his forehead. Department issued OC spray was utilized during the arrest process. Prisoner was emotionally disturbed and under the influence of drugs and/or alcohol and required the assistance of the NYPD Emergency Services Unit to safely subdue and restrain the violent prisoner.

Investigative Findings:

On 9/13/06 at approximately 0020 hours, PO McDade and PO Aronson did observe a male subject, later identified as Stephen Bain, shouting profanities in the 8th Avenue Concourse of Penn Station. Officers further observed the male subject aggressively approach a male subject not known to him and attempt to physically assault him. Officers initially approached the subject and advised him to depart the area. The subject was not compliant with the officer's request to depart the area. Upon approaching the subject again, the subject was advised that he was under arrest at which time he fled on foot away from the officers in the vicinity of track # 17. PO McDade and PO Aronson attempted to place the subject under arrest at which time the subject did resist by flailing his arms and body and intentionally shoving the officer. PO McDade and the subject fell down the stair case of track # 17 descending to the first landing of the stair case where the subject continued to physically resist and assault the officer with a closed fist. A physical struggle continued on the first stair case landing causing both PO McDade and the subject to fall down the second portion of the stair case onto the platform of

Memorandum



Metropolitan Transportation Authority

State of New York

Page 2 of 3: Incident # 06-12112

track # 17. PO McDade utilized his department issued OC spray on the subject as the subject was failing to comply with verbal commands and was continuing to physically resist. PO McDade transmitted an emergency request for assistance ("10-85") over his department radio. Upon arrival of assisting officers, the subject was physically subdued and successfully handcuffed.

PO McDade suffered injuries to his left ankle, left leg, and to his forehead. PO McDade complained of severe pain and immediate swelling was evident to his left ankle, left leg (below knee/shin), and forehead. PO McDade was unable to stand up on his own and unable to move his left leg. EMS was requested and responded to the platform of track # 17 to render aid to the injured member of service. PO McDade was removed to Bellevue Hospital by ambulance for further care and evaluation. Sgt. Richard Smith accompanied PO McDade in the ambulance to Bellevue Hospital.

The prisoner, Stephen Bain, was removed to District # 4 for processing. Upon placement into the District # 4 cell area, prisoner began to spit and flail his body striking himself on the floor, bench, and walls. Prisoner was handcuffed to the bench and ankle cuffs were placed to prevent further kicking. EMS was on scene in District # 4 at 0039 hours. NYPD Emergency Services Unit was requested for the violent prisoner whom was acting emotionally disturbed and/or under the influence of drugs and/or alcohol. NYPD Emergency Services Unit Truck # 1 responded to District # 4 at 0055 hours and flushed the prisoner's eyes with water for the OC spray exposure. They further subdued the prisoner with a restraining device. Prisoner was placed on a stretcher and removed to Bellevue Hospital by ambulance (ambulance # 08C, EMT # 6943) for further care and observation.

Recommendation:

The prisoner was acting violent and was continuing to physically resist before and after being handcuffed. The prisoner's injuries were received as a result of falling down a flight of stairs and OC spray exposure. PO McDade and PO Aronson utilized the appropriate level of physical force to subdue and arrest the resisting subject. Based on all information available, no further investigation is required.



**Metropolitan Transportation Authority
POLICE DEPARTMENT
USE OF FORCE FORM**



Members must document all injuries to the subject and/or the Member in accordance with Aided Case, Prisoner Injury and Service-Related Injury procedures. For additional details refer to the Department Incident Report, Aided Information, Prisoner Injury Reporting Package and Service-Related Injury documents.

Case No. 06-12112	Date 9/13/06	Time 0020	District 4	Location PENN STATION
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Subject's Name: (Last - First - Middle Initial)

BAIN, STEPHEN O.

Address: (Street - City - State - Zip Code)

119 KELVIN AVE, STATEN ISLAND, NY 10306

Date of Birth 7/11/77	Height 5 Ft. 9 In.	Weight 175 Lbs.	<input checked="" type="checkbox"/> Male <input type="checkbox"/> Female	Home Telephone ()	Work Telephone ()
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MEMBER'S INVOLVED	Shift	Did Officer Use Force?
1. PO McDADE, DANIEL	2020	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No
2. PO ARONSON, ROBERT	2300	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No
3.		<input type="checkbox"/> Yes <input type="checkbox"/> No

Officer(s) who did not prepare this form for the conditions shown above: **Station 10-12** (Reporting Officer)

1. Apparent Condition of Subject When First Observed ☐ Normal ☒ Agitated ☐ Emotionally Disturbed ☒ Alcohol/Drug Impaired
☐ Other (Describe):

2. Type of Resistance (check all that apply) ☒ Fleeing the Scene ☐ Deadly Force ☒ Verbal Non Compliance ☐ Verbal Threats/Gestures
☒ Physically Uncooperative (Resisting) ☒ Physical Assault
☐ Other (Describe):

3. Weapon(s) Used or Threatened Against Officer or Other Person: ☐ Knife ☐ Firearm ☐ Impact Weapon (Describe)
☐ Other (Describe):

4. Force Used to Control Subject: ☒ Verbal Command ☒ Physical Direction ☒ O/C Spray ☐ Impact Weapon ☐ Firearm
☐ Other (Describe):

5. Was Type of Force Effective? ☒ Yes ☐ No
If yes, briefly describe: **ABLE TO BE HANDCUFFED AFTER O.C. SPRAY UTILIZED**

6. Was subject injured prior to Officer's Use of Force? ☒ Yes ☐ No
If yes, briefly describe: **LACERATIONS FROM FALL ON STAIRCASE.**

7. Persons injured as a result of the incident

Subject: ☒ Yes ☐ No If yes, describe injury:
LACERATIONS TO FACE / OC SPRAY EXPOSURE

Member(s): ☒ Yes ☐ No If yes, identify Member(s) and describe injury:
PO McDADE - INJURY TO L. ANKLE, L. LEG, FOREHEAD.

Other(s): ☐ Yes ☒ No If yes, identify person(s) and describe injury:

Prepared by:
SGT DITTRICH

Signature

[Signature]

Shield

393

Reviewed by:

Signature

Shield



Metropolitan Transportation Authority
POLICE DEPARTMENT
PHYSICAL CONDITION OF DEFENDANT QUESTIONNAIRE

**INSTRUCTIONS:**

Officers will prepare this form for all arrests, juvenile custodials, and all persons who are subsequently released or turned over to another command or jurisdiction.

This form is not intended for field interview/stop and question incidents. The physical condition of subjects stopped and released after brief field interviews shall be recorded on the Stop and Question Worksheet (MTAPD Form- 33)

No.	ID.	LIC.	DIST.	STATION
06-17112	21306	0045	SE	PENN STATION
Name			Date	
BAIN, STEPHEN O.			9/13/06	
Address			Home Phone	
119 KELVIN AVE STATEN ISLAND, NY				
Sect District			393	

Are you in good health? ☒ Yes ☐ No Do you have any injuries? ☒ Yes ☐ No

If yes, describe injuries: LACERATION TO FACE / OC SPRAY EXPOSURE

When, where and how did you receive these injuries? 9/13/06 @ 0020 - TR # 17 - PENN STA

RESISTING ARREST.

Have you been drinking any alcoholic beverages? ☒ Yes ☐ No If yes, when, what, and how much did you drink?

UNKNOWN

Do you use drugs? ☐ Yes ☐ No If yes, what drugs do you use?

UNABLE TO DETERMINE

When did you use these drugs last?

Do you need a doctor? ☒ Yes ☐ No If yes, why?

OC SPRAY EXPOSURE / LACERATION / EDP

DEFENDANT

I have read the above questions and I certify that the answers are mine and that they are true.

Signature of Defendant: VIOLENT - NOT PERMITTED TO SIGN Date: 9/13/06

SUPERVISOR

☒ Injury(s) was observed. Describe injury(s): BLEEDING TO FACE / UNKNOWN

LOCATION OF LACERATION / OC SPRAY EXPOSURE

☐ No apparent injury(s) observed.

Signature of Supervisor: Sgt [Signature] # 393 Date: 9/13/06

* For any reported or apparent defendant injury, Supervisors must prepare a Prisoner Injury Form (MTAPD Form #26) and follow Section 9-04—Prisoner Injury Reporting.